

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

GLORIA GAINES HANNA, et. al.,

Plaintiffs,

v.

Case No. 04-74910

Hon. John Corbett O'Meara

FARMINGTON PUBLIC SCHOOL DISTRICT,  
et al.,

Defendants.

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**OPINION AND ORDER DENYING PLAINTIFF'S  
MAY 18, 2005 MOTIONS TO SET ASIDE ORDERS**

On May 4, 2005, the court entered three orders in this case. Plaintiff filed three motions on May 18, 2005, asking to set aside these three orders. Defendants filed a response on May 25, 2005. The court will treat plaintiff's motions as motions for reconsideration. The standards governing motions for reconsideration are as follows:

Generally, and without restricting the court's discretion, the court will not grant motions for rehearing or reconsideration that merely present issues ruled upon by the court, either expressly or by reasonable implication. The movant must not only demonstrate a palpable defect by which the court and the parties have been misled but also show that correcting the defect will result in a different disposition of the case.

L.R. 7.1(g)(3)(E.D. Mich. Sept. 8, 1998). In the three motions, Plaintiff has not presented new arguments, nor has plaintiff shown a palpable defect in the previous opinions. Plaintiff simply restates arguments that did not prevail in the initial motions. In one of the motions, Plaintiff actually did prevail. Plaintiff objects to the fact that the court did not hear oral argument on these

matters, but the court has the discretion to decide such matters on the briefs, without oral argument. See L.R. 7.1(e)(2)(E.D. Mich. Sept. 8, 1998).

Accordingly, **IT IS HEREBY ORDERED** that Plaintiff's May 18, 2005 Motion to Set Aside Order Denying Plaintiff's Motion for Default Judgment, Plaintiff's May 18, 2005 Motion to Set Aside Order Denying Teacher Defendant's Motion to Dismiss for Lack of Service, and Plaintiff's May 18, 2005 Motion to Set Aside Order Granting Defendant's Motion to Dismiss Claims of the Gaines-Hanna Children are **DENIED**.

Date: June 13, 2005  
Ann Arbor, Michigan

s/John Corbett O'Meara  
United States District Judge